

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION

CHARLES RILEY, JR.

PLAINTIFF

VS.

CIVIL ACTION NO. 5:07cv32DCB-MTP

GEORGE KENT, TOMMIE MOFFETT, AND  
SHERIFF MARTIN PACE

DEFENDANTS

JUDGMENT

This matter having come on to be heard on this date upon the Report and Recommendation of the United States Magistrate Judge entered in this cause, and the Court, after a full review of the record, having adopted said Report and Recommendation as the finding of this Court by Order dated this day, finds that defendant Kent's motion to dismiss or in the alternative for summary judgment [25] should be granted, and that plaintiff's claims against all defendants should be dismissed without prejudice . Further that defendant Pace's motion to dismiss based on qualified immunity [15] should be dismissed as moot.

IT IS, THEREFORE, ORDERED AND ADJUDGED that defendant Kent's motion to dismiss or in the alternative for summary judgment [25] is granted, and that plaintiff's claims against all defendants are dismissed without prejudice. It is further ordered that defendant Pace's

motion to dismiss based on qualified immunity [15] is dismissed as moot.

SO ORDERED this the 21st day of April, 2008..

s/ David Bramlette  
UNITED STATES DISTRICT JUDGE